

CITY OF BRAZIL, INDIANA
ORDINANCE NO. 17, 2004
2005

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF BRAZIL, INDIANA, TITLE XV, CHAPTER 156 OF THE BRAZIL CODE OF ORDINANCE(S) AND SPECIFICALLY CERTAIN PROVISIONS OF CHAPTER 156.21 (B) (3)(c) RESIDENTIAL USES AND REQUIREMENTS FOR THE REZONING OF REAL ESTATE WITHIN THE CORPORATE LIMITS OF THE CITY OF BRAZIL, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BRAZIL, INDIANA:

WHEREAS, the Brazil City Planning Commission, at and following a public meeting, has addressed to the Common Council of the City of Brazil, Indiana, a conflicting interpretation and of Chapter 156.21 (B) (3) (c), concerning the location of fences and other similar structures and has deemed said provision ambiguous and further has requested the Common Council of the City of Brazil, Indiana to address this ambiguity in said Sub-Chapter, allowing fences and other similar structures to require less set back from property from side or rear lot lines as opposed to the set back restrictions for accessory buildings or swimming pools; and,

WHEREAS, specifically, Sub-Chapter 156.21 (B) (3) (b) addresses only accessory buildings and swimming pools and provides for set back requirements for said residential uses and as currently written, Sub-Chapter 156.21 (B) (3) (c) is ambiguous as to whether or not structures other than swimming pools and accessory buildings are to be treated in the same manner in regard to set back from side or rear lot line; and,

WHEREAS, the Common Council of the City of Brazil, Indiana, upon recommendation of the Brazil City Planning Commission, has agreed to address this issue and amend Chapter 156.21 (B) (3) (c) to provide more clarity. Said Sub-Chapter is amended as follows:

SECTION ONE
AMENDMENT TO ZONING CODE

Chapter 156 of Title XV of the City of Brazil, Indiana Code of Ordinances and specifically Sub-Chapter 156.21 (B)(3) (c) is hereby amended to read as follows:

(c) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, fences, lamp posts, bird baths, and structures of a like nature are permitted in any required yard, and without the issuance of any permit.

Fences, lattice work, screens, hedges, or walls, not more than seven feet in height, and fences surrounding private swimming pools at least three and one-half feet high, maintained so as to prevent the intrusion of small children or animals, may be located in the required side or rear yard; however, they shall be located no closer than one foot from the side or rear lot line.

A hedge or fence maintained so as not to exceed three and one-half feet in height, may be located in any front yard, except that vision clearance on corner lots shall be provided and said hedge or fence shall be located no closer than one foot from a side lot line.

SECTION TWO
TIME OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, when it is signed by the presiding officer, and approval by the Mayor.

SECTION THREE
OTHER PROVISIONS OF ZONING CODE UNAFFECTED

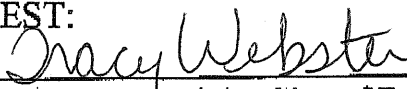
In all other respects, the provisions of the Zoning Code of the City of Brazil not in conflict with this Ordinance shall remain in full force and effect.

ORDAINED AND ESTABLISHED this 28 day of June, 2005.



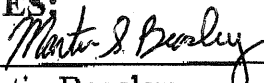
Thomas Arthur
Mayor, City of Brazil, Indiana

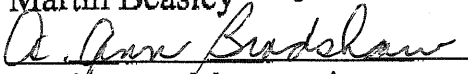
ATTEST:

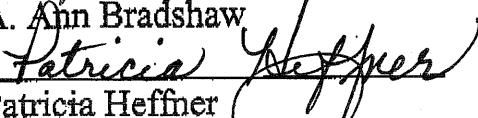

Clerk-Treasurer of the City of Brazil, Indiana

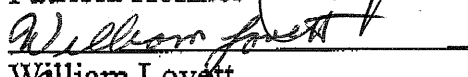
MEMBERS OF THE COMMON COUNCIL

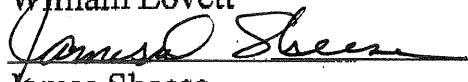
AYES:


Martin Beasley


A. Ann Bradshaw


Patricia Heffner


William Lovett


James Sheese

NAYS:

Martin Beasley

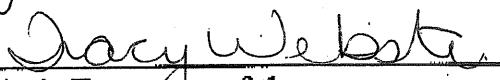
A. Ann Bradshaw

Patricia Heffner

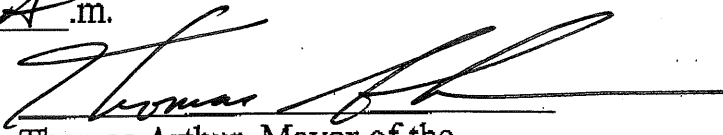
William Lovett

James Sheese

Presented by me to the Mayor of the City of Brazil, Indiana for his approval and signature on this 28 day of June, 2005.


Clerk-Treasurer of the
City of Brazil, Indiana

Approved and signed by me on the 29 day of June, 2005, at
the hour of 7:56 o'clock A.m.


Thomas Arthur, Mayor of the
City of Brazil, Indiana